

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

JENA JOHNS \* CIVIL ACTION NO. \_\_\_\_\_  
\*  
\*  
VERSUS \* JUDGE \_\_\_\_\_  
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\*  
COIL TUBING PARTNERS, LLC \* MAGISTRATE JUDGE \_\_\_\_\_

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**NOTICE OF REMOVAL**

NOW COMES Coil Tubing Partners, LLC (“Coil Tubing” or “Defendant”), through undersigned counsel, who files this Notice of Removal of an action originally entitled “Jena Johns v. Coil Tubing Partners, LLC,” Docket No. C-2021-4330, 15th Judicial District Court, Parish of Lafayette, State of Louisiana, and who hereby removes said action to the United States District Court for the Western District of Louisiana, Lafayette Division. In this regard, Coil Tubing respectfully submits as follows:

1.

Jena Johns initiated a lawsuit against Coil Tubing in the 15<sup>th</sup> Judicial District Court, Parish of Lafayette, State of Louisiana under Docket No. C-2021-4330 by filing a Petition on August 18, 2021. Attached hereto as Exhibit “A” is a copy of the Petition. In the Petition, Plaintiff only asserts state law claims under La.R.S. 23:301, et seq. and La.R.S. 23:967. In her original Petition, Plaintiff does not assert any federal law claims.

2.

On July 8, 2022, Plaintiff filed an Unopposed Motion for Leave to File First Supplemental, Amending and Restated Petition and submitted therewith her First Supplemental, Amending and Restated Petition. Attached hereto as Exhibit “B” is a copy of the First Supplemental, Amending

and Restated Petition. By Order of that same day, July 8, 2022, the District Court granted leave of court. In the First Supplemental, Amending and Restated Petition, Plaintiff asserts, for the first time, claims under federal law and, in particular, Title VII of the Civil Rights Act of 1964 (42 U.S.C. §2000e). Plaintiff also seeks relief pursuant to 42 U.S.C. §1981(a). In the First Supplemental, Amending and Restated Petition, Plaintiff alleges, for the first time, that she received a Right to Sue Letter from the EEOC in connection with her prior Charge and that same was received by her on June 30, 2022. As such, Plaintiff alleges that she is asserting claims under Title VII.

3.

Plaintiff's action is one in which this Honorable Court has original jurisdiction because it is an action "arising under the Constitution, laws or treaties of the United States" and it may be removed to this Honorable Court pursuant to 28 U.S.C. §1441, et seq. See also 28 U.S.C. §1331. In this regard, Plaintiff has expressly invoked federal law and is seeking relief under federal law such that federal question jurisdiction exists pursuant to 28 U.S.C. §1331, thus making this case removable pursuant to 28 U.S.C. §1441, et seq.

4.

With regard to Plaintiff's state law claims asserted under Louisiana's Employment Discrimination Law, this Honorable Court has supplemental jurisdiction over said claims since they are so related to Plaintiff's federal claims "that they form part of the same case or controversy under Article III of the United States Constitution." See 28 U.S.C. §1367. In this regard, Plaintiff asserts the same factual allegations in support of her state law claims as are being asserted by her federal law claims.

5.

This Notice of Removal is being timely filed with this Honorable Court pursuant to 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days after receipt by the Defendant, through service or otherwise, of a copy of the initial pleadings setting forth the claims for relief upon which such action is based. Although counsel for Plaintiff sought Defendant's consent for leave of court and although unsigned draft pleadings were sent with the request on July 5, 2022, Defendant did not receive a final signed copy that was filed with the Court at the time of transmission to the State District Court on July 5, 2022. Defendant did receive a copy on July 21, 2022 from the 15<sup>th</sup> Judicial District Clerk of Court's online docket. This Notice of Removal is being filed both within thirty (30) days of Plaintiff's filing of the Amended Petition with the State District Court and within thirty (30) days of Defendant's receipt of the Amended Petition.

6.

Venue of this removal action is proper pursuant to 29 U.S.C. § 1441 inasmuch as the United States District Court for the Western District of Louisiana, Lafayette Division covers Lafayette Parish, Louisiana and the 15<sup>th</sup> Judicial District Court for the State of Louisiana, which is the venue where the original state court action was filed.

7.

Promptly upon filing of the Defendant's Notice of Removal, Defendant will provide written notice to counsel for Plaintiff of the removal of this case and will file a copy of this pleading with the 15<sup>th</sup> Judicial District Court, Lafayette Parish, Louisiana under Docket No. C-2021-4330.

8.

Coil Tubing, the only named Defendant, hereby consents to removal by the submission of this Notice of Removal.

9.

No act of Congress prohibits the removal of this cause and this cause is removable under 28 U.S.C. § 1441 et seq.

10.

Coil Tubing submits herewith, in globo, as Exhibit "C," all pleadings filed in the State Court action.

11.

At the time of removal, there were no pending Motions in the State Court action.

WHEREFORE, premises considered, Coil Tubing, LLC prays that the above-entitled case be removed to the United States District Court for the Western District of Louisiana, Lafayette Division and that this Honorable Court assume jurisdiction of this lawsuit and retain it for final disposition and for such other relief, both general and special, at law or in equity, to which Coil Tubing, LLC may be justly entitled.

Respectfully submitted:

s/Joel P. Babineaux

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system and I hereby certify that I have forwarded the foregoing by email and prepaid U.S. Mail delivery to the following:

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